



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JH

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/363,062 07/29/99 VIANO

D DP-300298

└

PM82/1011

└

EXAMINER

KATHRYN A MARRA
DELPHI TECHNOLOGIES INC
LEGAL STAFF MAIL CODE 480 414 420
P O BOX 5052
TROY MI 48007-5052

WINNER, T	
ART UNIT	PAPER NUMBER

3618

DATE MAILED:

10/11/01

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/363,062

Applicant(s)

Viano et al.

Examiner

Tony Winner

Art Unit

3618



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/23/01
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14 and 16-32 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14 and 16-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 1/11/01 is: ☒ approved ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

Art Unit: 3618

DETAILED ACTION

Acknowledgment

1. Receipt of the amendment filed 7/23/01 has been acknowledged and entered.

Specification

2. The disclosure is objected to because of the following informalities: The amendment D filed 7/23/01 needs the following correction:

Line 3 of the insert, after "April 24, 1998" insert -- now patent 6,073,960 --.

Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(BA)
10/1/01
Claims 21 is rejected under 35 U.S.C. ~~102(a)~~^{103(a)} as being unpatentable by Suyama et al (5,575,497).

Suyama discloses a frontal air bag is adapted for mounting to the roof of the vehicle, and is adapted to be inflated and extend downward and sideways in front of an occupant seated in the vehicle. Suyama lacks the teaching that the air bag can be mounted to the a pillar of the vehicle.

Art Unit: 3618

It would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the air bag to the pillar of the vehicle, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

4. Claims 12-14, 16-17, and 20-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama ^{et al.} in view of Yamada et al. (5,884,937).

Suyama ^{et al.} is disclosed above but lacks the teaching of a remote inflator which is adapted to be mounted to the vehicle structure and a trim molding to cover the air bag. However, it is inherent that all air bag that is mounted to any of the vehicle's pillars would have a trim molding.

Yamada ^{et al.} teaches an air bag device with the inflator remotely mounted to the vehicle structure so as to eliminate the restriction of inflator sizes.

Based on the teaching of Yamada ^{et al.}, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air bag of ~~Viano~~ ^{Suyama et al.} to include the remote inflator of Yamada ^{et al.} so as to eliminate the restriction of inflator sizes.

With respect to claims 13-14, 16-17, and 22-32 Suyama as modified by Yamada meet all of the claim limitations.

5. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suyama ^{et al.} as modified by Yamada ^{et al.} and further in view of Wipasuramonton et al. (5,615,909).

Yamada as modified by Suyama are disclosed above and lack the teaching of a neck portion of the air bag that is connected to at least one panel.

Art Unit: 3618

Wipasuramonton teaches a neck portion for his air bag (figure 6) to improve the projectory angle.

Based on the teaching of Wipasuramonton, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air bag system of Suyama as modified by Yamada to include the neck portion of Wipasuramonton so as to provide better angle of deployment for the air bag.

With respect to claim 19, Suyama as modified by Yamada and Wipasuramonton discloses the neck portion is operatively connected to either one of the diffuser and the inflator.

Response to Arguments

6. Applicant's arguments filed 7/23/01 have been fully considered and the examiner is withdrawing the 102(e) and 103(a) rejections using the Viano reference. New references are used for another non-final rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Tony Winner whose telephone number is (703) 306-5957. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm.


Application/Control Number: 09/363,062

Page 5


Art Unit: 3618

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson, can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-2571.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


TONY WINNER
PATENT EXAMINER

October 3, 2001


BRIAN L. JOHNSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3300 10/9/01